

United States District Court
for the
Western District of New York

In the Matter of the Search of

(Briefly describe the property to be searched or identify the person by name and address.)

Storage Units Numbered 24 and 29 located at
2595 Niagara Falls Blvd., Niagara Falls, New York 14304

Case No. 19-MJ-1080

APPLICATION FOR SEARCH WARRANT

I, a federal law enforcement officer or an attorney for the government, request a search warrant and state under penalty of perjury that I have reason to believe that on the following person or property *(identify the person or describe the property to be searched and give its location):*

Storage Units Numbered 24 and 29 located at 2595 Niagara Falls Blvd., Niagara Falls, New York 14304, and containers therein, more fully described in Attachment A

located in the Western District of New York, there is now concealed *(identify the person or describe the property to be seized):*

See Attachment B, Items to be Searched for and Seized.

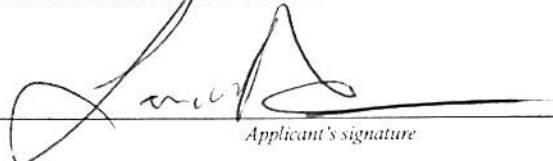
The basis for search under Fed. R. Crim. P. 41(c) is *(check one or more):*

- ☒ evidence of a crime;
- ☒ contraband, fruits of crime, or other items illegally possessed;
- ☒ property designed for use, intended for use, or used in committing a crime;
- ☐ a person to be arrested or a person who is unlawfully restrained.

The search is related to violations of Title 18, United States Code, Section 875(c) and Section 115(a)(1).

The application is based on these facts:

- ☒ continued on the attached sheet.
- ☐ Delayed notice of ____ days (give exact ending date if more than 30 days: _____) is requested under 18 U.S.C. § 3103a, the basis of which is set forth on the attached sheet.


Applicant's signature

LAWRENCE ANYASO
SPECIAL AGENT
UNITED STATES CAPITOL POLICE
Printed name and title

Sworn to before me and signed in my presence.

Date: June 14, 2019


Judge's signature

JEREMIAH J. MCCARTHY
UNITED STATES MAGISTRATE JUDGE
Printed name and Title

City and state: Buffalo, New York

AFFIDAVIT IN SUPPORT OF AN APPLICATION UNDER RULE 41
FOR A WARRANT TO SEARCH AND SEIZE

STATE OF NEW YORK)
COUNTY OF ERIE) SS:
CITY OF BUFFALO)

I, Lawrence Anyaso, being duly sworn, hereby depose and state as follows:

INTRODUCTION AND AGENT BACKGROUND

1. I am a Special Agent with the United States Capitol Police (the "USCP"). I am currently assigned to the USCP Investigations Division, Threat Assessment Section. As a Special Agent assigned to the Threat Assessment Section, I have participated in numerous investigations into threats against members of Congress, including violations of Title 18, United States Code, Sections 115 (Retaliating Against a Federal Official) and 875(c) (Interstate Communication of a Threat).

2. I have completed hundreds of hours of training in law enforcement investigation techniques, including the Criminal Investigator Training Program at the Federal Law Enforcement Training Center ("FLETC"); the USCP three-week Crime Scene Investigation course; and the two-week FLETC Internet Investigation Training program ("IITP"). The IITP course provided me with training in conducting investigations into on-line crimes which include the use of undercover computers, email accounts, and provided forensic tools used to examine electronic devices for evidence. In the course of my

employment as a Special Agent with the USCP, I have received training regarding the application for and execution of both search and arrest warrants. In my current assignment, I have participated in and conducted numerous investigations involving illegal activity including stalking and threatening communications, both locally and interstate.

3. This Affidavit is made in support of an application for a second search warrant to search two storage units (the "Storage Units") rented by Carlos Bayon, described more fully in **Attachment A** hereto, for the items described in **Attachment B** hereto.

4. This Affidavit is based upon my participation in this investigation, my examination of reports and records, and my conversations with other law enforcement agents and other individuals, as well as my training and experience. Because this Affidavit is being submitted for the limited purpose of obtaining the warrant, it does not include all the facts that I have learned during the course of this investigation. Where the contents of documents and the actions, statements, and conversations of others are reported herein, they are reported in substance and in part, except where otherwise indicated.

THE STORAGE UNITS

5. The Storage Units are rental storage units that are operated by The Storage Mall and are located at 2595 Niagara Falls Boulevard, Niagara Falls, New York 14303. The first unit is numbered "24" ("Storage Unit One") and the second is numbered "29" ("Storage Unit Two"). They are depicted in the photographs below.



THE SUBJECT OFFENSE

6. For the reasons detailed below, there is probable cause to believe that the Storage Units contain evidence, fruits, and instrumentalities of violations of 18 U.S.C. §§ 115(a)(1) and 875(c).

7. As set forth in detail below, there is probable cause to believe that Carlos Bayon committed violations of 18 U.S.C. §§ 115(a)(1) (Retaliation Against a Federal Official) and 875(c) (Interstate Communication of a Threat). Further, there is probable cause to conclude that evidence of, and fruits and instrumentalities of, these violations are within Storage Units One and Two.

PROBABLE CAUSE

8. On July 2, 2018, the USCP Threat Assessment Section was contacted by a person identified for the purposes of this Affidavit as "Witness One." Witness One is a staff member in the Washington, D.C. office of a United States Congressman who, for the purposes of this Affidavit, will be referred to as "Congressman One." Witness One reported

that a threatening voicemail was received by the Congressman's office in Louisiana on June 30, 2018, at approximately 6:29 p.m. (CST).

9. Witness One provided an email from a staff member, referred to for the purposes of this Affidavit as "Witness Two," in the Congressman's Louisiana office who received the voicemail. Witness Two described the caller as "sounding to be late 40s with a Hispanic accent" and provided information so that USCP could retrieve the voicemail.

10. I was able to record and review the voicemail left on the phone in Congressman One's Louisiana office. The voicemail stated:

Hey listen, this message is for you and the people that sent you there. You are taking ours, we are taking yours. Anytime, anywhere. We know where they are. We are not going to feed them sandwiches, we are going to feed them lead. Make no mistake you will pay. Ojo por ojo, diente por diente.¹ That is our law and we are the majority. Have a good day.

11. I obtained exigent business information from AT&T for incoming phone calls to Congressman One's Louisiana office, which revealed that the only number that called around the time of the voicemail was 716-830-0194.

12. I conducted a search in the law enforcement database ACCURINT for 716-830-0194. It revealed that the phone number 716-830-0194 is assigned to a "Carlos Bayon"

¹ This is Spanish for "an eye for an eye, a tooth for a tooth."

and an address listed as P.O. Box 71, Getzville, New York. The search results also revealed that the phone service provider was Sprint.

13. I called the phone number 716-830-0194 and listened to the voicemail greeting. The voice on the greeting sounded the same as the voice that left the threatening voicemail on Congressman One's Louisiana office phone.

14. On July 5, 2018, USCP was contacted by a staff member, referred to for the purposes of this Affidavit as Witness Three, in the Spokane, Washington office of another United State Congressman, referred to for the purposes of this Affidavit as "Congressman Two." Witness Three reported a voicemail that was left on the Congressman's office voicemail on June 30, 2018, at approximately 4:37 p.m. (PST).

15. Witness Three provide a copy of the voicemail to me. I listened to the voicemail. It stated:

Yeah, listen. This is message is for you and for the people that sent you there. You're taking ours. We're taking yours. Anytime, anywhere. We know where they are. We are not going to feed them sandwiches. We are going to feed them lead. Make no mistake. You will pay. Ojo por ojo, diente por diente. That is our law and we are the majority. Have a good day.

16. The voice that left this voicemail sounded the same as the voice on the voicemail left for Congressman One.

17. On or about July 23, 2018, I received business records from Sprint which showed that the phone number 716-830-0194 is assigned to a cell phone. The account billing address is All Garage Door and Service Inc., P.O. Box 71 Getzville, NY 14068.

18. The account billing address shown in the Sprint records is the same address ACCURINT lists for Bayon. ACCURINT also indicates that Bayon is the Chief Executive Officer of All Garage Door and Service Inc.

19. Review of the Sprint records revealed that calls were made from Sprint phone number 716-830-0194 to the offices of Congressman One and Congressman Two on June 30, 2018. The Sprint records showed that the calls were made using the cellular network in the area of Buffalo, New York which is within the Western District of New York.

20. Further review of the Sprint records revealed additional calls made from the same Sprint phone number on June 30, 2018, and July 1, 2018, to eight additional members of Congress, including the Speaker of the House, the Senate Minority Leader, and the House Majority Leader.

21. On July 26, 2018, I spoke to Investigator Colton with the University of Buffalo police who advised that in or about April 2018 his agency received a harassment complaint relating to Bayon. Investigator Colton advised that at the time of the April 2018 report, Bayon was registered to take classes at the University. Investigator Colton provided the

phone number they had listed for Bayon as 716-830-0194, which is the same number used to call in the threatening voicemails.

The Execution Of The First Search Warrant For The Storage Units

22. Early in the morning on August 1, 2018, Special Agents of the USCP and FBI executed a search warrant signed by this Court on July 31, 2018, that authorized a search of the Bayon's apartment located at 2264 Center Court North, Apartment One, Grand Island, New York, for a cellular telephone, records relating to members of Congress, and firearms and ammunition. When the agents executed the search warrant, Bayon was present in his apartment. Agents seized from the apartment approximately 150 rounds of 7.62 rifle ammunition and approximately 50 rounds of shotgun ammunition. Agents also found a receipt from 2004 relating to the purchase of an SKS rifle (a high-powered assault rifle). The 150 rounds of 7.62 ammunition are the type of ammunition fired by an SKS rifle. Despite the presence of the receipt and ammunition, no firearms were found inside the apartment.

23. In searching for items that were within the scope of the search warrant, federal agents also observed in the apartment a number of books concerning the use of firearms and explosives, including the following books:

- How to create foolproof new identity
- Ragnar's homemade detonators
- Homemade C-4
- New & Improved C-4
- Middle Eastern Terrorist Bomb Designs
- Poor man's TNT
- CIA field manual for explosives prep
- Disguise techniques
- How to circumvent security alarms
- Silent But Deadly: homemade silencers

Hit Man: technical manual
Expedient B&E: circumventing alarms
Improvised radio detonation techniques
Homemade Semtex
Secrets of a Super Hacker
How to make disposable silencers
How to build practical firearm suppressors

24. During my investigation of this matter, I learned from banking records obtained by grand jury subpoena that Bayon rents two storage units, Storage Unit One and Storage Unit Two, from The Storage Mall located at 2595 Niagara Falls Boulevard, Niagara Falls, New York 14303. Bayon has rented the units since 2007. Consequently, I applied to this Court for a search warrant to search the Storage Units for, among other things, firearms and explosives. This Court signed the requested search warrant and it was executed by agents of the United States Capitol Police and FBI on August 1, 2018. During the execution of the search of the Storage Units, no firearms or explosive devices were found.

25. Bayon was subsequently indicted by a federal grand jury on two violations of 18 U.S.C. § 115(a)(1) and two violations of 18 U.S.C. § 875(c). Motion practice was conducted before this Court and the case is now scheduled for trial before the Honorable Frank P. Geraci, Jr., on August 12, 2019, under case number 18-CR-163.

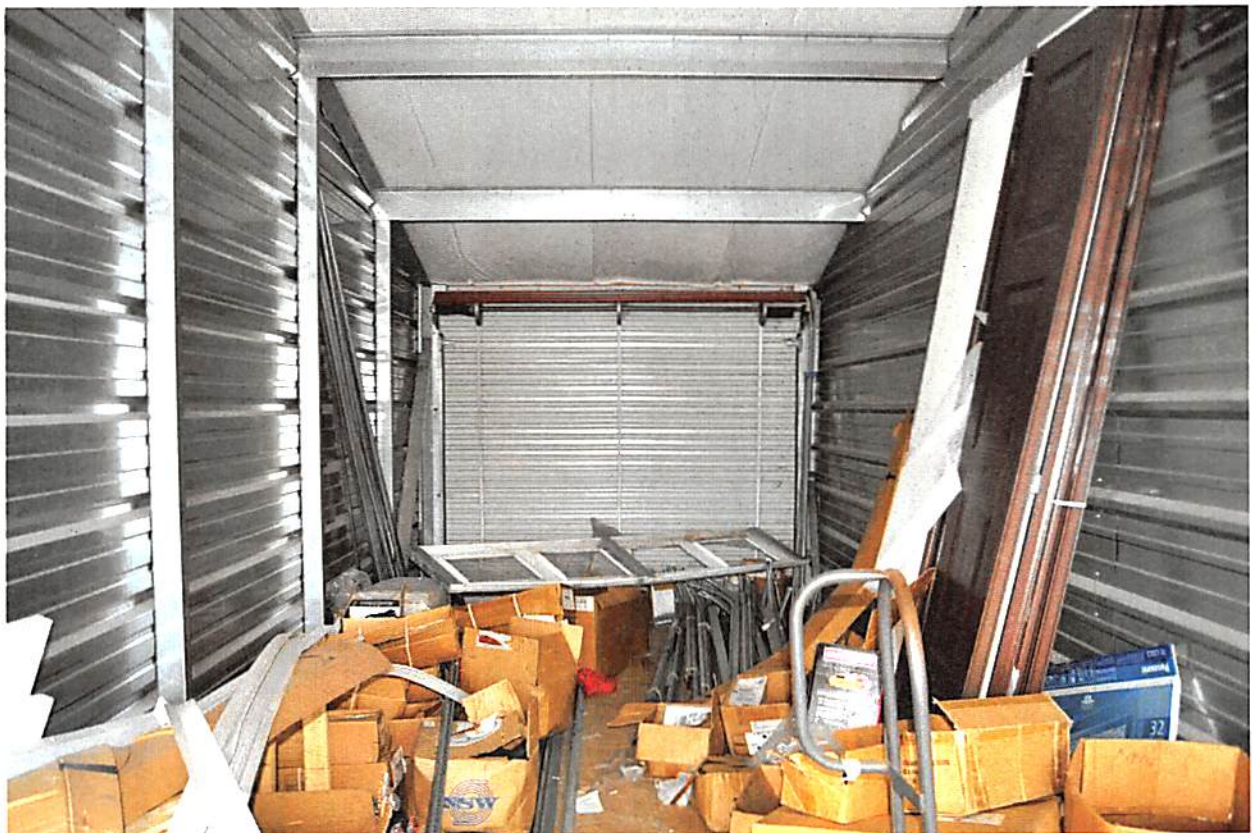
The June 20, 2019 Pretrial Conference

26. On Thursday, June 20, 2019, a pretrial conference was held before Judge Geraci, at which Bayon appeared *pro se*. I have been informed by several employees of the United States Attorney's Office who were in attendance at the pretrial conference, including AUSAs Paul Bonanno and Jeremy Murray, and Paralegal Danielle Kingston, that Bayon repeatedly stated on the record that he did in fact make the telephone calls to the members of Congress, as set forth above. Bayon also stated on the record during the pretrial conference that he kept his rifle in the "warehouse" that the federal agents had searched and that he did not know why the federal agents were unable to find the rifle there.

27. Immediately after I learned what Bayon had stated concerning his rifle during the pretrial conference on June 20, 2019, I contacted Donna Black, the manager of the Storage Mall. Ms. Black told me that Bayon had not made payment on his rental agreement for the Storage Unit in a long time and was approximately \$5,000 in arrears. Ms. Black said that after the execution of the first search warrant on the Storage Units, she had secured them with her own locks and that she had not given anyone access to the Storage Units or gone into them herself since then. She also told me that she had filed a lien on the items within the Storage Units and was planning to auction the items.

28. Although the Storage Units were searched in August 2018, the search was made difficult by the fact that the Storage Units were filled with a variety of heavy materials that were difficult to move and various containers that could conceal a rifle, as illustrated by

the below pictures of the interiors of Storage Units One and Two below, which were taken during the execution of the original search warrant on August 1, 2018:








29. In light of what Bayon stated in Court on June 20, 2019, as referenced above, I am seeking authorization to search again the Storage Units and containers and items within them, this time with the assistance of a gun dog (a dog trained to detect odors from firearms), to ensure that the rifle is not secreted under the heavy materials or within the containers in the Storage Units.

CONCLUSION

30. Based upon the foregoing facts, I respectfully request that the attached search warrants be issued.


LAWRENCE ANYASO
Special Agent
United States Capitol Police

Sworn and subscribed to before me

this 24th day of June, 2019.


JEREMIAH J. MCCARTHY
United States Magistrate Judge

Attachment A

Property to be Searched

Storage Unit One and Storage Unit Two, and containers therein, are operated by The Storage Mall and are located at 2595 Niagara Falls Boulevard, Niagara Falls, New York 14303. Storage Unit One is numbered “24” and Storage Unit Two is numbered “29.” They are depicted in the photographs below.



Attachment B

Items to be Searched For and Seized

Items comprising evidence of, or property used in committing, a violation of Title 18, United States Code, Sections 115(a)(1) and 875(c), consisting of:

1. Guns, rifles, firearms, magazines, and ammunition.